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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,316	08/23/2001	Naomasa Shiraishi	109820	8919

7590 09/16/2003

Oliff & Berridge
PO Box 19928
Alexandria, VA 22320

EXAMINER

RUGGLES, JOHN S

ART UNIT	PAPER NUMBER
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1756

10

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-10

Office Action Summary

Application No.

09/868,316

Applicant(s)

SHIRAISHI, NAOMASA

Examiner

John Ruggles

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001 and 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-15 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1,5, and 13-14, drawn to a photomask (product), a method for making the photomask, and an apparatus for making the photomask (37 CFR 1.475 (b) (5) for a product, a process adapted for manufacturing the product, and an apparatus for carrying out the process).

Group II, claim(s) 2-4, drawn to a method of making a photomask using specified ranges for illumination coherence factors (37 CFR 1.475 (a)).

Group III, claim(s) 6 and 15, drawn to a process of making a predetermined device (product) and a device (product) made by that process using enlarging and reducing multipliers α and β (37 CFR 1.475 (b) (1) for a product and a process specially adapted for the manufacture of the product).

Group IV, claim(s) 7-12, drawn to a method of making a photomask and an apparatus for making the photomask using an illumination intensity on a Fourier-transform plane according to a proximity of a parent pattern on a master mask (37 CFR 1.475 (b) (4) for a process and an apparatus for carrying out the process).

The inventions listed as Groups I, II, III, and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: (1) the specified ranges for illumination coherence factors used in Group II are not present in Groups I, III, and IV; (2) the enlarging and reducing multipliers α and β used in Group III are not present in Groups I, II, and IV; and (3) the illumination intensity on a Fourier-transform plane according to a proximity of a parent pattern on a master mask used in Group IV is not present in Groups I, II, and III.

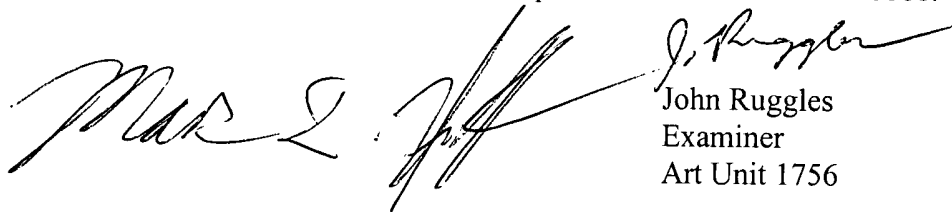
Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined, even if the requirement is traversed (37 CFR 1.143).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Ruggles whose telephone number is 703-305-7035. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 703-308-2464. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

The block contains two handwritten signatures. On the left is the signature of Mark F. Huff, and on the right is the signature of John Ruggles. The signature of John Ruggles is written over the signature of Mark F. Huff.

John Ruggles
Examiner
Art Unit 1756

MARK F. HUFF
SUPERVISORY EXAMINER
TECHNOLOGY CENTER 1707